

**REMARKS**

This application has been carefully reviewed in view of the above-referenced Office Action, and reconsideration is requested in view of the following remarks.

**The Claim Rejections**

All claims stand rejected based upon the Rhodes reference of record. The Office Action submits that the teaching of Rhodes that the music libraries of many users can be "consolidated" at a central location is adequate to teach Applicants' claim feature of "mapping other users who wish to store the musical selection to the music file". Applicant respectfully requests reconsideration. There is no teaching or suggestion in the cited passage (C46, L35-45) of Rhodes adequate to meet the claim feature of "mapping" which, when considered in context, clearly means that multiple users are mapped to a single music file representing a musical selection. Note that the music file of the claims represents a single musical selection.

The Rhodes reference only suggests "consolidating" music libraries of multiple users. In other words, Rhodes teaches that multiple music libraries can be stored in the same remote location. There is no teaching or suggestion that multiple redundant "music files" are dealt with by storing only a single "music file" and mapping multiple users to the single file (to paraphrase the claim language without intent of imposing limitations). In fact, at the cited passage, there is no discussion at all of the treatment of the individual files – only a brief mention that "music libraries" can be consolidated to a central location. Clearly, this is inadequate to teach the claim feature of (using claim 1 as an example, without intent of imposing limitations on other claims) "...*storing a music file representing a musical selection for a first user; mapping the first user to the music file; mapping other users who wish to store the musical selection to the music file:...*" as required by the claims.

In addition, it is noted that the teaching of Rhodes is so brief as to provide a total lack of enablement of the claimed limitations of mapping multiple users to a single music file. The Examiner's attention is directed to a recent CAFC ruling in In re Kumar, No 04-1074 in which the CAFC stated "To render a later invention unpatentable for obviousness, the prior art must enable the later invention" (emphasis added). This recent ruling clarifies that not only must a reference be enabling for an anticipation rejection, but also for an obviousness rejection.

In view of this lack of teaching in Rhodes, and the presence of the mapping requirement of multiple users to a single music file (to paraphrase without intent of limitation) in all claims, it is believed clear that the Rhodes reference is inadequate to support a *prima facie* case of unpatentability for any of

Serial No.: 09/891,005

the claims of the present application. Accordingly, reconsideration and allowance are respectfully requested at an early date.

Regarding the Kurahara reference, this reference teaches a system in which a user can contract for customer file storage space 13 from a content managing company. This file storage space can apparently be used for storage of any data desired by the user, including copies of content purchased from library 11. The following features of Kurahara are notable:

- A customer is charged on the basis of the "contracted capacity", i.e. the amount of user area 18 storage the user contracts to control (see paragraphs 0044-0046). As such, there is a disincentive for the content managing company to combine files used by multiple users into a single file and mapping all users to that file, since this would result in a lower need for the storage which the content managing company sells.
- This is reinforced by the fact that users can purchase content from content library 11, and store the content in the user area 18 of file storage 13 (see paragraph 0046).
- The user can use the capacity in any way desired (see paragraph 0044).

Thus, while Kurahara discloses various fee structures for purchasing content and for storage of content, the files remain distinct with duplicate copies provided when multiple users purchase the content. There is no arrangement disclosed or suggested wherein storage of a single music file results in charges to multiple users for storage of that file. Since it would be less profitable for the content managing company to share file storage among multiple users and use a mapping mechanism as claimed (the content management company would sell less user area 18 storage space), there is a teaching away from the claims.

In view of the above, it is believed clear that the cited references taken singly or in combination fail to provide adequate teachings to anticipate or obviate the present claims. Accordingly, reconsideration and allowance are respectfully requested.

#### Information Disclosure Statement

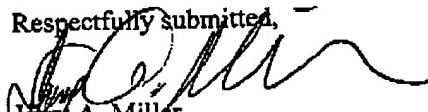
Applicant wishes to note for the record that a typographical error appears in the Information Disclosure Statement submitted along with the prior Office Action response. In the listing of references, Japanese document number 08/172437 was inadvertently listed as 108/172437 (an extraneous "1" appears at the beginning). This error is apparently of no consequence since the document itself was submitted along with a translation, and was no doubt considered by the Examiner as evidenced by his initials on the IDS.

Serial No.: 09/891,005

Concluding Remarks

In view of this communication, all claims are believed to be in condition for allowance and such is respectfully requested at an early date. The undersigned notes that many other distinctions exist between the cited art and the claims. However, in view of the clear distinctions pointed out above for the main Rhodes reference, further discussion is believed to be unnecessary at this time. Failure to address each point raised in the Office Action should accordingly not be viewed as accession to the Examiner's position or an admission of any sort. If further matters remain to be resolved, the undersigned respectfully requests the courtesy of an interview. The undersigned can be reached at the telephone number below.

Respectfully submitted,



Jerry A. Miller  
Registration No. 30,779  
Dated: 9/7/2005

Please Send Correspondence to:  
Miller Patent Services  
2500 Dockery Lane  
Raleigh, NC 27606  
Phone: (919) 816-9981  
Fax: (919) 816-9982  
Customer Number 24337

Serial No.: 09/891,005

-4-